

01/R/DB/2022

In

C-04/DB/2020

M.C. Agarwal vs. State of Uttarakhand and others

Dated: 31.08.2022

Present: Sri M.C. Aggarwal, review applicant along with
Sri Abhishek Chamoli, Advocate, for the review applicant.
Sri V.P. Devrani, A.P.O., for the respondents.

Sri Jaipal Singh Rawat, Executive Engineer, *Avasthavana Khand*,
Irrigation Department, Uttarkashi and Sri Vishnu Shankar Rana, Assistant
Engineer, Irrigation Department, Uttarkashi are present before the Tribunal

Learned A.P.O. has filed affidavit on behalf of respondents on
26.07.2022, according to which they have calculated the amount of Rs.
9,29,725/- payable to the petitioner and vide letter dated 05.05.2022, budget
allotment of this amount was requested to the Govt. After allotment of
budget, the Executive Engineer has paid this amount to the petitioner on
08.06.2022.

The respondents also state that another amount of Rs. 16,310/- is to
be paid to the petitioner, which shall be done soon. The petitioner, who is
present in person, states that he is satisfied with the calculation of the
interest on the delayed payment of gratuity except for the fact that the same
has been calculated upto 30.04.2022 but has been credited on 09.06.2022.

The Tribunal observes that the budget demand has been placed on
05.05.2022 and after sanction of the budget, the payment has been made on
08.06.2022, which is the normal time taken in Govt. processes and no
further interest is payable to the petitioner on this amount.

As far as the calculation of interest on the unpaid amount of pension
is concerned, the department has calculated this amount of interest from
01.05.2008 to 31.08.2013 for the pension which was payable for every

month @ Rs. 14,165/- + D.A. as during this period, no pension was paid to the petitioner. The petitioner's pension was revised on 11.08.2017 to be Rs. 16,750/- +D.A., which was to be paid to him from May, 2008 onwards. Though the respondents have paid arrears of pension due to this revision but the interest which should have been calculated on the due pension every month (Rs. 16,750/- +D.A.) minus the amount paid every month has not been correctly calculated. As a matter of fact, the respondent-department in their calculation have treated the due pension to be Rs. 14,165/- +D.A. from the month of May, 2008 onwards.

The petitioner's contention, that it should have been calculated treating the amount of pension due to be Rs. 16,750/- +D.A. from the month of May, 2008 onwards, therefore, sustains and is upheld. The respondent-department is directed to re-calculate the interest on the pension due every month minus the amount actually paid from the period of May, 2008 onwards upto August, 2017. The interest so calculated would automatically include the interest calculation of Rs. 1,98,317/- calculated by the department as calculation of interest for pension arrear from 01.05.2008 to 31.08.2013 treating the due pension of the petitioner to be Rs. 14,165/- +D.A. every month. The additional amount of interest thus worked out according to the revised calculation along with the earlier balance of Rs. 16,310/- be paid to the petitioner within a period of 4 months from the date of this order.

Review petition is, accordingly, disposed of. No order as to costs.

Let a copy of this order be supplied to learned A.P.O. today itself for onward submission to the respondent-department.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)
RS

(JUSTICE U.C. DHYANI)
CHAIRMAN